

### **REMARKS/ARGUMENTS**

Applicants have rewritten claim 1, 8, and 11 without prejudice or disclaimer. No new matter has been added. Claims 1-18 remain in the application. Reconsideration of this application is respectfully requested.

#### **Claim Rejection - 35 U.S.C. § 103:**

*Claims 1-7 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa et al (US 5,666,655). Claims 8, 10-14, 16 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa et al (US 5,666,655) in view of Muller (US 6,433,375). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa et al (US 5,666,655) in view of Muller (US 6,433,375) and further in view of Raith (US 6,385,461).*

Applicants respectfully traverse in part and amend in part. Applicants have amended the independent claims to more clearly emphasize that the communication connection statistic is gathered on both stationary and mobile units. Independent claim 1 now recites: “gathering a communication *connection* statistic on the plurality of radios, *the plurality of radios consisting of both mobile and static radios*”. Claim 11 now reads: “gathering a communication *connection* statistic on the plurality of radios, *the communication connection statistic being gathered on both moving and non-moving radios*”. The Ishikawa system will not work on radios that are not moving around. Ishikawa teaches channel prioritization based on features related to the movement of the mobile stations (distance, moving direction and speed) as described throughout the reference, for example in column 22, lines 18-20. If Ishikawa were applied to a static configuration where the mobile units did not move, basing grouping on distance would have no net effect on grouping.

Ishikawa does not address the static situation where the distance between the mobile units and the base station does not change. In other words, if the mobile units do not move in Ishikawa, the distances will not vary and no reconfiguration will occur. Applicants' invention, on the other hand, allows for regrouping based on a communication connection statistic where the connection statistic can vary even in a static configuration of mobile units. In other words, the communication connection statistic may vary even if each of the plurality of radios does not move. Average channel usage, number of channel accesses per unit time, device priority, average on-time of the devices and peak usage periods can all vary even if each radio is stationary. Thus, reconfiguring the grouping of radios based on the communication connection statistic can occur even when the radios do not move. This reconfiguration is not possible with Ishikawa.

Additionally, Applicants' invention is directed, as discussed in the Background, towards improving throughput for any given channel that may experience contention. The goal of Applicants' invention is to help minimize the chances of channel-access collisions from occurring. Ishikawa is directed to getting all unused channels used and is not related to collision avoidance on a given channel. Applicants have amended dependent claim 8 to include: "the two or more groups of radios established in step (a) can access *a given radio channel* at specified times which are different for each of the two or more groups". Support for this amendment is found on page 2, lines 18-21. Independent claim 11 has also been amended to recite: "reconfiguring the grouping of radios based on the communication connection statistic gathered in step (b), *the reconfigured grouping sharing a communication channel*; and allowing access to the *shared communication channel* by each of the two or more groups of radios at different predetermined periods of time *thereby minimizing channel access collisions*."

Accordingly, the rejection of independent claims 1 and 11, as amended, is overcome. Claims 2-10 and 12-18 provide further limitations to what are believed to be allowable claims and hence are also in condition for allowance. None of the cited references taken individually or in combination teach that which is claimed by Applicants' invention.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

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